

Senate Resolution 101 - Reprinted

SENATE RESOLUTION NO. 101

BY COMMITTEE ON ETHICS

(SUCCESSOR TO SSB 3038)

(As Amended and Passed by the Senate February 9, 2022)

1 A Resolution relating to the requirements under the
2 Senate Code of Ethics for filing personal financial
3 disclosure forms by senators and candidates for
4 senate.

5 BE IT RESOLVED BY THE SENATE, That Rule 11 of the
6 Senate Code of Ethics for the Eighty-ninth General
7 Assembly, as adopted during the 2021 Session in Senate
8 Resolution 1, is amended as follows:

9 11. DISCLOSURE REQUIRED BY SENATORS. Each senator
10 shall file with the secretary of the senate within ten
11 days after the adoption of the code of ethics by the
12 senate, and within ten days after the convening of the
13 second session of the general assembly, a financial
14 statement under section 68B.35 on forms provided by
15 the secretary of the senate setting forth the following
16 information:

17 The nature of each business in which the senator
18 is engaged and the nature of the business of each
19 company in which the senator has a financial interest.
20 A senator shall not be required to file a ~~report~~
21 financial statement or be assumed to have a financial
22 interest if the annual income derived from the
23 investment in stocks, bonds, bills, notes, mortgages,
24 or other securities offered for sale through recognized
25 financial brokers is less than one thousand dollars.

26 Disclosures required under this rule shall be as

27 of the date filed unless provided to the contrary,
1 and shall be amended to include interests and changes
2 encompassed by this rule that occur while the general
3 assembly is in session. All filings under this rule
4 shall be open to public inspection in the office of the
5 secretary of the senate at all reasonable times.

6 The secretary of the senate shall inform the ethics
7 committee of the financial statements which are filed
8 and shall report to the ethics committee the names
9 of any senators who appear not to have filed complete
10 financial statements. The chairperson of the ethics
11 committee shall request in writing that a senator who
12 has failed to complete the ~~report~~ financial statement
13 or appears to have filed an incomplete ~~report~~ financial
14 statement do so within five days, and, upon the failure
15 of the senator to comply, the ethics committee shall
16 require the senator to appear before the committee.

17 BE IT FURTHER RESOLVED, That the Senate Code of
18 Ethics for the Eighty-ninth General Assembly, as
19 adopted during the 2021 Session in Senate Resolution 1,
20 is amended by adding the following new rule:

21 11A. DISCLOSURE REQUIRED BY CANDIDATES FOR SENATE.
22 Each candidate for senate shall file with the secretary
23 of the senate within fourteen days after the deadline
24 for the filing of nomination papers or fourteen days
25 after the nominating convention, as applicable, a
26 financial statement under section 68B.35 on forms
27 provided by the secretary of the senate setting forth
28 the following information:

29 The nature of each business in which the candidate

30 for senate is engaged and the nature of the business
1 of each company in which the candidate for senate has a
2 financial interest. A candidate for senate shall not
3 be required to file a financial statement or be assumed
4 to have a financial interest if the annual income
5 derived from the investment in stocks, bonds, bills,
6 notes, mortgages, or other securities offered for sale
7 through recognized financial brokers is less than one
8 thousand dollars.

9 Disclosures required under this rule shall be for
10 the year preceding the year in which the election is to
11 be held. All filings under this rule shall be open to
12 public inspection in the office of the secretary of the
13 senate at all reasonable times.

14 The secretary of the senate shall provide
15 information to persons interested in becoming
16 candidates for senate of the duty to file financial
17 statements under this rule and the applicable
18 deadlines.

19 The secretary of the senate shall inform the ethics
20 committee of the financial statements that are filed
21 and shall report to the ethics committee the names
22 of any candidates for senate who appear not to have
23 filed complete financial statements. The secretary of
24 the senate shall request that a candidate for senate
25 who has failed to complete the financial statement
26 or appears to have filed an incomplete financial
27 report to do so within five days. If a candidate for
28 senate does not file a complete financial statement
29 within five days, the candidate shall be fined fifty

30 dollars, payable to the Iowa senate for deposit in the
1 general fund, and the ethics committee may require the
2 candidate to appear before the committee.

3 BE IT FURTHER RESOLVED, That Rule 15 of the Senate
4 Code of Ethics for the Eighty-ninth General Assembly,
5 as adopted during the 2021 Session in Senate Resolution
6 1, is amended as follows:

7 15. COMPLAINTS. Complaints or charges against any
8 senator, candidate for senate, lobbyist, or any client
9 of a lobbyist shall be in writing, made under penalty
10 of perjury, and filed with the secretary of the senate.
11 When filed with the secretary of the senate, the
12 secretary shall immediately advise the chairperson of
13 the ethics committee of the receipt of the complaint.

14 Complaint forms shall be available from the
15 secretary of the senate, or the chairperson of the
16 ethics committee, but a complaint shall not be rejected
17 for failure to use an approved form if the complaint
18 substantially complies with senate requirements.

19 A complainant may submit exhibits and affidavits
20 attached to the complaint.

21 BE IT FURTHER RESOLVED, That Rule 16, paragraph
22 "a" of the Senate Code of Ethics for the Eighty-ninth
23 General Assembly, as adopted during the 2021 Session in
24 Senate Resolution 1, is amended as follows:

25 a. *Persons entitled.* Complaints may be filed by
26 any person believing that a senator, candidate for
27 senate, lobbyist, or client of a lobbyist has violated
28 the senate ethics code, the joint rules governing
29 lobbyists, or chapter 68B, as applicable. A violation

30 of the criminal law may be considered to be a violation
1 of this code of ethics if the violation constitutes a
2 serious misdemeanor or greater, or a repetitive and
3 flagrant violation of the law.

4 BE IT FURTHER RESOLVED, That Rule 19, paragraph
5 "f", subparagraph (2) of the Senate Code of Ethics for
6 the Eighty-ninth General Assembly, as adopted during
7 the 2021 Session in Senate Resolution 1, is amended as
8 follows:

9 (2) That the senator, candidate for senate,
10 lobbyist, or client of a lobbyist be censured or
11 reprimanded, and recommend the appropriate form of
12 censure or reprimand.

13 BE IT FURTHER RESOLVED, That Rule 20 of the Senate
14 Code of Ethics for the Eighty-ninth General Assembly,
15 as adopted during the 2021 Session in Senate Resolution
16 1, is amended as follows:

17 20. COMMITTEE AUTHORIZED TO MEET. The senate
18 ethics committee is authorized to meet at the
19 discretion of the chairperson to conduct hearings and
20 other business that properly may come before it. If
21 the committee submits a report seeking senate action
22 against a senator, candidate for senate, lobbyist, or
23 client of a lobbyist after the second regular session
24 of a general assembly has adjourned sine die, the
25 report shall be submitted to and considered by the
26 subsequent general assembly. However, the report
27 may be submitted to and considered during any special
28 session which may take place after the second regular
29 session of a general assembly has adjourned sine die,

30 but before the convening of the next general assembly.

1 BE IT FURTHER RESOLVED, That Rule 21, paragraph
2 "b" of the Senate Code of Ethics for the Eighty-ninth
3 General Assembly, as adopted during the 2021 Session in
4 Senate Resolution 1, is amended as follows:

5 b. *Form and contents of requests.* A request for
6 a formal advisory opinion shall be in writing and
7 may pertain to any subject matter that is related
8 to the application of the senate code of ethics, the
9 joint rules governing lobbyists, or chapter 68B to
10 any person who is subject to the authority of the
11 ethics committee. Requests shall contain one or
12 more specific questions and shall relate either to
13 future conduct or be stated in the hypothetical. A
14 request for an advisory opinion shall not specifically
15 name any individual or contain any other specific
16 identifying information, unless the request relates
17 to the requester's own conduct. However, any request
18 may contain information which identifies the kind
19 of individual who may be affected by the subject
20 matter of the request. Examples of this latter kind
21 of identifying information may include references
22 to conduct of a category of individuals, such as but
23 not limited to conduct of legislators, legislative
24 staff, candidates for senate, lobbyists, or clients of
25 lobbyists.

26 BE IT FURTHER RESOLVED, That Rules 23, 24, and 25 of
27 the Senate Code of Ethics for the Eighty-ninth General
28 Assembly, as adopted during the 2021 Session in Senate
29 Resolution 1, are amended as follows:

30 23. COMPLAINT FILING FORM. The following form
1 shall be used to file a complaint under these rules:

2 THE SENATE

3 Ethics Complaint Form

4 Re: _____ (Senator/Candidate
5 for Senate/Lobbyist/Client of Lobbyist), of
6 _____, Iowa.

7 I, _____ (Complainant), residing
8 at _____, in the City of _____,
9 State of _____, hereby complain
10 that _____ (Senator/Candidate
11 for Senate/Lobbyist/Client of Lobbyist), whose address
12 is _____, has
13 violated the Senate Code of Ethics, chapter 68B, or
14 Joint Rules Governing Lobbyists in that:

15 (Explain the basis for the complaint here. Use
16 additional pages, if necessary.)

17 Under penalty of perjury, I certify that the above
18 complaint is true and correct as I verily believe.

19 _____
20 Signature of Complainant

21 SUBSCRIBED AND AFFIRMED to before me this _____
22 day of _____, _____.
23

24 _____
25 Notary Public in and for the
26 State of _____

27 24. COMPLAINT NOTICE FORM. The following form
28 shall be used for notice of a complaint under these
29 rules:

STATE OF IOWA

30

THE SENATE

1 COMMITTEE ON ETHICS)

2 IOWA STATE SENATE)

3)

4 On The Complaint Of) NOTICE OF COMPLAINT

5)

6 _____)

7)

8 And Involving)

9)

10 _____)

11)

12 TO _____,

13 Senator or Candidate for Senate or Lobbyist or

14 Client of Lobbyist named above:

15 You are hereby notified that there is now on file
16 with the Secretary of the Senate, State Capitol, Des
17 Moines, Iowa, a complaint which alleges that you have
18 committed a violation of the Senate's Code of Ethics,
19 chapter 68B, or Joint Rules Governing Lobbyists.

20 A copy of the complaint and the Senate rules for
21 processing the same are attached hereto and made a part
22 of this notice.

23 You are further notified and requested to file your
24 written answer to the complaint within ten days of the
25 date upon which the notice was caused to be delivered
26 to you, (date) _____, _____.

27 Your answer is to be filed with the Secretary of the
28 Senate, State Capitol, Des Moines, Iowa.

29 Dated this _____ day of _____, _____.

30

1 Chairperson, Senate Ethics
2 Committee,
3 or Secretary of the Senate

4 25. HEARING NOTICE FORM. The following form shall
5 be used for notice of a hearing under these rules:

6 STATE OF IOWA

7 THE SENATE

8 COMMITTEE ON ETHICS)

9 IOWA STATE SENATE)

10)

11 On The Complaint Of) NOTICE OF HEARING

12

13)

14)

15 And Involving)

16)

17 _____)

18)

19 TO

20 Senator or Candidate for Senate or Lobbyist or
21 Client of Lobbyist named above:

22 You are hereby notified that there is now on file
23 with the Secretary of the Senate, State Capitol, Des
24 Moines, Iowa, a complaint which alleges that you have
25 committed a violation of the Senate's Code of Ethics,
26 chapter 68B, or Joint Rules Governing Lobbyists.

27 A copy of the complaint and the Senate rules for
28 processing the same are attached hereto and made a part
29 of this notice.

